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NEGATIVE DECLARATION
Notice of Determination of Non-Significance

December 18, 2013

Environmental Dredging of Flushing Bay
CEQR No. 13DEP012Q

This Negative Declaration has been prepared in compliance with the requirements of the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, the State Environmental Review Process (SERP) as required by the State Revolving Fund Program, and Article 8 of the Environmental Conservation Law establishing the New York State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617. The New York City Department of Environmental Protection (NYCDEP), as lead agency, has determined that the proposed action described below would not have a significant effect on the environment and is herein publishing a Negative Declaration. An Environmental Assessment Statement (EAS) form and attachments were signed and distributed on December 27, 2012.

PROJECT DESCRIPTION

The NYCDEP proposes to remove accumulated combined sewer overflow (CSO) sediment from the back bay (World's Fair Marina area) of Flushing Bay to provide odor abatement for the surrounding communities in accordance with a CSO Consent Order with the New York State Department of Environmental Conservation (NYSDEC).

Approximately 16.8 acres of degraded sediments are proposed for environmental dredging. The area is substantially enclosed and acts as a trap for suspended sediment entering the area. The water quality of the back bay is similarly degraded, often experiencing periods of hypoxia. Thus, fish and benthic activity in this area is reduced compared to more open areas of the adjacent upper East River vicinity. Flushing Bay is a tributary of the upper East River surrounded by the communities of Flushing, East Elmhurst, Corona and College Point.

This action would remove approximately 85,000 cubic yards of accumulated CSO sediment by the most efficient and environmentally protective methods as determined by the dredging contractor, and approved by NYCDEP. CSO sediments have a high percentage of organic matter and generate odor, particularly when sediments become exposed to the atmosphere during daily tidal cycles. By removing those sediments affected by the CSO, the resulting surficial sediment in the targeted improvement area would be continuously submerged four feet below MLLW and organic material reduced, resulting in a concomitant reduction of the release of hydrogen sulphide gas from the sediments, the major cause of nuisance odors.

The dredged material from the dredging work area would be placed in barges moored nearby in Flushing Bay. The dredged material would be transported from the site to a processing facility. It is estimated that the proposed dredging will take approximately 24 months to complete, including mobilization and demobilization. Use of a portion of the parking lot at the World's Fair Marina is expected to be approved by the NYCDPR as the staging area for this project. Environmental dredging windows have been waived by NYSDEC, allowing for year-round dredging. This will potentially reduce the total time for construction of the project and minimize environmental impact.

Under the (New York) State Environmental Quality Review Act (SEQRA) guidelines, the proposed project is classified as unlisted. According to SEQRA and as set forth in 6NYCRR Part 617, unlisted actions are those that do not meet or exceed a threshold contained in the Type I criteria list, and are not identified as a Type II action.

POTENTIAL IMPACT ASSESSMENT

As presented in detail in the December 27, 2012 EAS, the proposed project would not result in the potential for significant impacts to occur to any aspect of the environment. The proposed project would be confined to the boundaries of the proposed work area in Flushing Bay and the NYCDPR designated staging area in the World's Fair Marina parking lot. All impacts within the upland staging area will be temporary and minor. Detailed discussions of all impact categories are presented in the EAS. Key conclusions are summarized below.

Natural Resources

A detailed assessment of the potential for impacts on natural resources is presented in the EAS as Attachment D, "Essential Fish Habitat Assessment" and Attachment C, "Habitat Characterization Study for Winter Flounder and Striped Bass". Salt marsh is located along the shoreline of the bay in the vicinity of the proposed project. During construction, all reasonable precautions will be taken to avoid any temporary impacts to these nearby existing marshes, including the use of silt curtains to minimize the spread of suspended sediments stirred up during dredging. Impacts to tidal wetlands will be avoided by implementing a Wetlands Restoration Plan as described in the EAS Attachment H. Impacts on fish and benthos are expected to be minimal since the area is considerably degraded (EAS Attachment G, "Intertidal and Subtidal Benthos Sampling Report"). Further, it is expected that the benthos will be improved upon removal of the CSO sediment, resulting in general improvement of the estuarine habitat in the project area.

Hazardous Materials

Characterization of the CSO sediments in the proposed project area was completed as detailed in EAS Attachment E, "Sediment, Surface Water and Porewater Sampling Summary Report". Sediment boring samples were collected from 19 locations. Seven surface water (water column) and 10 sediment porewater samples were collected throughout the project area and analyzed as described in the aforementioned report. Sediment samples were analyzed for BTEX, total PAHs, PCBs, pesticides, metals, TOC and grain size. Based upon a comparison of individual TOGS 5.1.9 parameters and sediment classification, sediment contaminants identified and quantified within the proposed dredging depth and sediment horizons that

would be exposed to the overlying water column after dredging are generally the same and would have similar classifications under TOGS 5.1.9. After dewatering and/or decanting in Flushing Bay, dredged material would be transferred by barge by the contractor to an off-site dredged material processing facility in accordance with applicable Federal, State and Local rules and regulations.

A Health and Safety Plan (HASP), to be submitted by the selected contractor, and reviewed and approved by NYCDEP, would be required prior to the initiation of dredging activities to protect workers and the public from exposure to known and potential contaminants. Given that no hazardous waste is known to exist, appropriate measures are in place to handle contaminated dredged material, and site workers are required to wear appropriate Personal Protective Equipment (PPE), no significant adverse impact from hazardous materials to the surrounding area or humans is expected.

Construction Impacts

Natural Resources

The appropriate dredging technology (hydraulic and/or mechanical dredging) will be selected by the contractor and approved by the NYCDEP. Dredging will be accomplished using best management practices to minimize environmental impacts, which are temporary. The work area would be segregated within a silt curtain that would extend around the proposed work area. The curtain would extend vertically from the water surface at extreme high water to the bottom, typically weighed down by chains, and extend horizontally approximately from the shoreline out around the work area. The curtain would be designed to contain sediments suspended by dredging within a designated area during peak tidal currents.

While the removal of sediments creates the potential to temporarily impact fish and invertebrates as a result of increased turbidity, the spatial extent of these impacts is expected to be small. It is expected that there will be a general long-term improvement to benthic habitat, as the benthic habitat in the work area is currently degraded. Due to the nature of the new surficial sediments to be exposed, no change or potentially an upgrade in the sediment TOGS classification is expected post dredging. It is also expected that there will be an improvement in fish habitat, since current conditions are poor, as documented in the Essential Fish Habitat Assessment and the Habitat Characterization Study for Winter Flounder and Striped Bass, and because fish would generally avoid the area during construction. No significant impacts on natural resources are expected during construction.

Traffic

A temporary increase in traffic on surrounding streets during construction would be incurred when equipment is delivered to and removed from the site at the beginning and end of construction. A relatively small number of additional personal and work vehicles will be utilizing space in the NYCDPR parking lot staging area throughout the construction period. The portion of the parking lot adjacent to the World's Fair Marina available for construction staging would be designated by the NYCDPR, and boat owner access to marina piers will be maintained as practical. Periodic delivery of fuel and other materials would also be anticipated during construction, but almost all construction activities will be accomplished in water, not in

parking lots or streets. Therefore, no significant impact on local traffic is predicted during construction.

Air Quality

Use of diesel fuel to power construction equipment (e.g., dredge, barge tugs, crew boat, front end loaders, dump trailers) would result in diesel emissions. In accordance with City Local Law 77 (Title 24 of the Administrative Code of the City of New York, Section 24-163.3) as well as the NYCDEP's Notice of Promulgation of Chapter 14 of Title 15 of the Rules of the City of New York – Rules concerning the Use of Ultra-Low Sulfur Fuel and Emissions Control Technology in Non-Road Vehicles Used in City Construction, this action would utilize Ultra Low Sulfur Diesel (ULSD) fuel and employ Best Available Technology on construction equipment to minimize emissions during the temporary construction period to the extent practicable.

Best Management Practices, such as employing appropriate dust management techniques and pollutant control technologies, would be incorporated into the work to minimize any adverse effects from this action. This action would create a temporary localized increase in stationary and mobile combustion sources. NYCDEP will verify adherence to these rules and practices throughout the construction period. Therefore no significant impacts on air quality are expected during construction.

Odor

The potential for increased odors during construction exists. A Community Air Monitoring Program (CAMP) would be implemented by NYCDEP from the start of construction mobilization through demobilization. Potential odor control measures such as the use of neutralizing and foam deodorizing agents would be enacted if deemed necessary throughout the construction period. Additional odor control measures and response procedures are detailed in the EAS, Section G. (Construction). The actual dredging of odiferous sediments would be relatively short in duration. Therefore, no significant odor impacts are expected during construction.

Noise

The contractor will be required to comply with the New York City Construction Noise Mitigation Rule (July, 2007) by certifying that all equipment used is maintained according to the manufacturer's specifications and to prepare and implement a Construction Noise Mitigation Plan. Due to its temporary nature, because most residences and businesses are at relatively long distances from the construction area, and because workers are required to wear appropriate PPE, no significant noise issues are expected during construction.

STATEMENT OF NO SIGNIFICANT EFFECT

The NYCDEP has determined that the proposed Environmental Dredging of Flushing Bay is not anticipated to have any significant adverse impacts on the quality of the environment. No significant permanent adverse impacts on natural resources, or other resource categories would occur as a result of the proposed action. Any natural resources, traffic, air quality, odor and noise impacts related to construction will be relatively short in duration and will follow appropriate governing regulations and therefore are not considered significant effects on the

environment or public health. These conclusions are based on the analyses and determinations provided within the EAS of December 27, 2012.

Supporting Statements

The above determination is based on an environmental assessment that finds that the project, as proposed, would not result in significant effects on the environment that would require the preparation of an Environmental Impact Statement (EIS).

For further information please contact:

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